



of the hearing held on September 24, 2014, which is critical to Defendants' response (ECF# 148), and (2) Plaintiffs' submission combines a motion to compel and a motion for sanctions.

Defendants submit their instant Unopposed Motion in the interests of justice and judicial efficiency and, therefore, request an additional week in which to file their Response in Opposition to Plaintiffs' Opposed Motion to Compel Further Discovery Responses from GNC to Plaintiffs' First Set of Requests for Production; and Motion for Sanctions. Defendants' counsel has conferred with counsel for Plaintiffs to inquire as to whether they oppose Defendants' instant request for relief. Counsel for Plaintiffs has stated that he does not oppose the relief sought by Defendants in this instant Motion for Extension of Time.

For the foregoing reasons and in the interests of justice, Defendants most respectfully pray that the Court grant this Unopposed Motion and permit Defendants an extension of time until November 4, 2014, in which to respond to "Plaintiffs' Opposed Motion to Compel Further Discovery Responses from GNC to Plaintiffs' First Set of Requests for Production; and Motion for Sanctions."

A proposed Order for the Court's consideration is attached hereto.

Respectfully submitted,

Dated: October 27, 2014

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GNC CORPORATION

### **CERTIFICATE OF CONFERENCE**

Counsel for Defendants, Mazin Sbaiti and Sean Cox, and Counsel for Plaintiffs have personally conducted a conference at which there was a substantive discussion of every item presented to the Court in this motion and Counsel for Plaintiffs indicated they are unopposed to the relief requested. Certified to the day of October 27, 2014 by:

/s/ Sean Cox  
Sean Cox

### **CERTIFICATE OF SERVICE**

The undersigned certifies that on this, the 27<sup>th</sup> day of October, 2014, he caused a true and correct copy of the foregoing document to be served on the following counsel of record pursuant to the Court's Electronic Notice Procedures and CM/ECF system established for the United States District Court for the Western District of Texas: Anne Andrews, Esq., John C. Thornton, Esq., and Sean T. Higgins, Esq., Andrews and Thornton, 2 Corporate Park, Suite 110, Irvine, CA 92606, Attorneys for Plaintiffs.

/s/ Joe A. Spencer Jr.  
Joe A. Spencer Jr.



hereby granted. Defendants are hereby granted an extension of time until November 4, 2014, in which to file their Response in Opposition to Plaintiffs' Opposed Motion to Compel Further Discovery Responses from GNC to Plaintiffs' First Set of Requests for Production; and Motion for Sanctions.

SIGNED AND ENTERED on this \_\_\_\_ day of \_\_\_\_\_ 2014.

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**ANNE T. BERTON**  
**UNITED STATES MAGISTRATE JUDGE**